

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 272C.4 and 455B.222 and 2014 Iowa Acts, chapter 1116 (Senate File 303), the Environmental Protection Commission hereby amends Chapter 81, “Operator Certification: Public Water Supply Systems and Wastewater Treatment Systems,” Iowa Administrative Code.

Chapter 81 sets out regulations for the certification of public drinking water supply and wastewater treatment operators and includes examination eligibility requirements, examination protocols, continuing education requirements, renewal requirements, reciprocity requirements and all corresponding fees. Chapter 81 is being amended as a result of the Home Base Iowa Act, 2014 Iowa Acts, chapter 1116, section 34.

The amendments clarify the process by which the Department provides credit toward certification qualifications for military service, education and training, and the procedures for reciprocal certification for veterans who are certified water or wastewater operators in another state.

Notice of Intended Action was published in the Iowa Administrative Bulletin on December 24, 2014, as **ARC 1796C**. Two articles about the rule making and the opportunity for public comment were included in the Department’s water supply listserv on November 12, 2014, and December 31, 2014; each was sent to more than 990 people. The amendments were reviewed by the Administrative Rules Review Committee on January 6, 2015. One public hearing was held on January 14, 2015. There were no attendees at the public hearing, and no written comments were received. These amendments are identical to those published under Notice.

After analysis and review of this rule making, it is anticipated that the amendments will have a positive impact on jobs by facilitating the licensure of veterans for employment in Iowa.

These amendments are intended to implement Iowa Code sections 455B.211 to 455B.224, Iowa Code chapter 272C, and 2014 Iowa Acts, chapter 1116 (Senate File 303), division VI.

These amendments will become effective April 22, 2015.

The following amendments are adopted.

ITEM 1. Adopt the following new definitions of “Military service,” “Military service applicant” and “Veteran” in rule **567—81.1(455B)**:

“*Military service*” means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

“*Military service applicant*” means an individual requesting credit toward certification for military education, training, or service obtained or completed in military service.

“*Veteran*” means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).

ITEM 2. Amend subrule 81.7(1), introductory paragraph, as follows:

81.7(1) Education and experience requirements. All applicants shall meet the education and experience requirements for the grade of certificate shown in the table below prior to being allowed to take the examination. Experience shall be in the same classification for which the applicant is applying except that partial credit may be given in accordance with 81.7(2) and 81.7(3). Directly related post-high school education shall be in the same subject matter as the classification in which the applicant is applying. Directly related post-high school education will be granted education credit 2.0 times the number of semester, quarter or CEU credits until January 1, 2006. The director will determine which courses qualify as “directly related” in cases which are not clearly defined. A military service applicant may apply for credit for verified military education, training, or service toward any education or experience requirement for certification, pursuant to subrule 81.7(4).

ITEM 3. Adopt the following **new** subrule 81.7(4):

81.7(4) Military education, training, and service credit.

a. The applicant shall identify the experience or education certification requirements for which the credit is requested.

b. As part of the examination application pursuant to subrule 81.9(1), the applicant shall provide documents, military transcripts, a certified affidavit, or forms that verify completion of the relevant military education, training, or service, which may include, when applicable, the applicant's Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (VMET) (DD Form 2586).

ITEM 4. Amend subrule 81.9(2) as follows:

81.9(2) Application evaluation. The director shall designate department personnel to evaluate all applications for examination, certification, and renewal of certification and upgrading of certification. After evaluation of the application, the department will issue the applicant either a letter of examination eligibility or a letter of examination noneligibility that includes a description of the education or experience requirements that have not been met. The director will review applications when it is indicated that the applicant has falsified information or when questions arise concerning an applicant's qualifications of eligibility for examination or certification.

ITEM 5. Amend subrule 81.11(3) as follows:

81.11(3) Reciprocity application.

a. All applicants. Applicants who seek Iowa certification pursuant to subrule 81.11(1) or 81.11(2) shall submit an ~~application for examination~~ Operator Certification Reciprocity Application accompanied by a letter requesting certification pursuant to these subrules. Application for certification pursuant to 81.11(1) and 81.11(2) shall be received by the director in accordance with these subrules. The applicant shall be certified at the appropriate grade pursuant to subrule 81.7(1).

b. Veteran applicants. An applicant who is a veteran shall submit an Operator Certification Reciprocity Application pursuant to paragraph 81.11(3) "a" and shall also provide such documentation as is needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2). The veteran's application shall be given priority and shall be expedited.

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 3/18/15.